

REMARKS

This Amendment is being filed in response to the Office Action mailed May 29, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, the Examiner indicated that claims 9, 11-12 and 18-19 would be allowable if rewritten in independent form. Applicants gratefully acknowledge the indication that claims 9, 11-12 and 18-19 contain patentable subject matter. By means of the present amendment, claims 9, 11-12 and 18 have been rewritten in independent form without including certain features that are believed to be not necessary for patentability.

Accordingly, it is respectfully requested that independent claims 9, 11-12 and 18 be allowed. In addition, it is respectfully submitted that claim 19 should also be allowed at least based on their dependence from independent claim 18 as well as their individually patentable elements.

In the Office Action, claims 1-5, 14-17 and 20-26 are rejected

under 35 U.S.C. §102(b) as allegedly anticipated by WO 02/16827 (Haenen). Further, claims 1-4, 6-8, 10, 13-17, 20-21, 23 and 26 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by JP 06-150706 (Akiko). It is respectfully submitted that claims 1-8, 10, 13-17 and 20-26 are patentable over Haenen and Akiko for at least the following reasons.

Both Haenen and Akiko merely disclose a luminaire where light is effectively or uniformly mixed. It is respectfully submitted that Haenen and Akiko, alone or in combination, do not teach or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

at least one reflector configured to guide light from each of the lamps to the translucent element in such a way that equal ratio of partial illuminance for each of the color properties is created at each position of the translucent element.

It is respectfully submitted effectively or uniformly mixed in no way discloses or suggest a reflector configured to guide light from each of the lamps to the translucent element in such a way that equal ratio of partial illuminance for each of the color properties is created at each position of the translucent element.

The light in Haenen and Akiko may have different ratios of color properties and yet still be effectively or uniformly mixed.

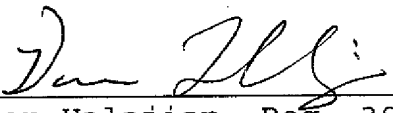
Effectively or uniformly mixing light has nothing to do with any ratios of color properties of the light.

Accordingly, it is respectfully requested that independent claim 1 be allowed. In addition, it is respectfully submitted that claims 2-8, 10, 13-17 and 20-26 should also be allowed at least based on their dependence from independent claim 1 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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